

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THOMSON REUTERS ENTERPRISE)	
CENTRE GMBH and WEST PUBLISHING)	
CORPORATION,)	
)	C.A. No. 20-613-SB
Plaintiffs/ Counterdefendants)	
)	JURY TRIAL DEMANDED
v.)	
)	
ROSS INTELLIGENCE INC.,)	
)	
Defendant/ Counterclaimant.)	

**DEFENDANT AND COUNTERCLAIMANT ROSS INTELLIGENCE INC.’S REQUEST
FOR JUDICIAL NOTICE IN SUPPORT OF ROSS’S RESPONSE TO PLAINTIFFS’
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Pursuant to Federal Rule of Evidence 201, Defendant/Counterclaimant ROSS Intelligence, Inc. (“ROSS”) respectfully requests the Court take judicial notice of the following documents attached as exhibits to their Response to Plaintiffs’ Motion for Leave to File Amended Complaint. The exhibits are publicly available and are not subject to reasonable dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned:

- Exhibit B – OneStop Report for Thomson Reuters Canada Limited
- Exhibit C – Westlaw Canada Academic Licence Agreement
- Exhibit D – *Waldman v. Thomson Reuters Corp.*, 2012 CarswellOnt 2225 (Can. Ont. S.C.J.)(WL)
- Exhibit E – *Union des consommateurs c. Dell Computer Corp.*, [2007] S.C.R. 34 (Can.)
- Exhibit F – *TIT2 Ltd. Partnership v. Canada*, [1994] O.J. 3d 66 (Can. Ont. C.A.)
- Exhibit G – *Seidel v. TELUS Communications Inc.*, [2011] S.C.R. 531, (Can.)

- Exhibit H – Ontario Limitations Act, 2002, S.O. 2002, C. 24, Sched. B, § 4

“The court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). The Court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2). The Court “may take judicial notice at any stage of the proceeding.” Fed. R. Evid. 201(d).

Federal courts have discretion to take judicial notice of foreign laws under Federal Rule Civil Procedure 44.1. *Abdille v. Ashcroft*, 242 F.3d 477, 489 n.10 (3d Cir. 2001); *see also Sidali v. INS*, 107 F.3d 191, 197 n.9 (3d Cir. 1997). Rule 44.1 states that:

A party who intends to raise an issue about a foreign country’s law must give notice by a pleading or other writing. In determining foreign law, the court may consider any relevant material or source, including testimony, whether or not submitted by a party or admissible under the Federal Rules of Evidence. The court’s determination must be treated as a ruling on a question of law.

Exhibit B is the OneStop Report for Thomson Reuters Canada Limited.

Exhibit C is the Westlaw Canada Academic Licence Agreement from https://www.westlawcanada.com/DynamicData/AttachedDocs/Academic/Academic_Licence_Agreement_WLNC_2016.pdf.¹

Exhibits D-G are publicly available judicial opinions from Ontario, Canada.

¹ ROSS asks this Court to take judicial notice of the existence of the Westlaw Canada Academic Licence Agreement, not for the truth of its contents. The standard for judicial notice of a fact is that it “must either be generally known within the jurisdiction of the trial court, or be capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” *Morrissey v. Luzerne Cnty. Cmty. Coll.*, 117 Fed. Appx. 809, 815 (3d Cir. 2004) (citing Fed. R. Evid. 201(b)).

Exhibit H is the publicly available Ontario Limitations Act found at <https://www.ontario.ca/laws/statute/02l24>.

Therefore, ROSS respectfully requests that the Court grant this Request for Judicial Notice.

Respectfully submitted,

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By: /s/ David E. Moore

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